

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 24067 of 2005(M)

PETITIONER:

N.SUNDARA RAJ,
LAST GRADE SRVANT,
PALAKKAL MUNICIPALITY,
RESIDING AT 12/440. KOMPANKUZHY,
PALAKKAD.

BY ADV. SMT.C.V.BINDU.

RESPONDENTS:

1. THE DIRECTOR OF URBAN AFFAIRS,
OFFICE OF THE DIRECTOR OF URBAN AFFAIRS.
THIRUVANANTHAPURAM.
2. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
THIRUVANANTHAPURAM.'
3. THE DIRECTOR OF EMPLOYMENT,
THIRUVANANTHAPURAM.
4. THE SECRETARY, PALAKKAD MUNICIPALITY,
PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH,
SRI.T.C.SURESH MENON,
SRI.SREEKANTH.K.R,
SRI.JIBU P THOMAS,
GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C). NO.24067/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: NOTIFICATION DTD. 27/04/99 FROM THE OFFICE OF THE R.3.

EXT.P.2: REPRESENTATION SUBMITTED BY THE PETITIONER.

EXT.P.3: COMMUNICATION FROM THE OFFICE OF THE R.2.

EXT.P.4: COMMUNICATION DTD. 31/05/2005 FROM THE OFFICE OF THE R.3.

EXT.P.5: GOVERNMENT ORDER DTD. 14/08/2003.

EXT.P.6: COPY OF THE ORDER ISSUED BY THE IST RESPONDENT DTD. 25/01/2005.

RESPONDENT'S EXHIBIT ANNEXURES:

ANNEXURE R3.A: G.O. (P) NO. 202/72/P.D DTD. THIRUVANANTHAPURAM 22/05/1972.

ANNEXURE R3.B: G.O. (P). NO. 120/73/PD. DTD. THIRUVANANTHAPURAM 30/04/1973.

ANNEXURE R3.C: G.O. (P) NO. 121/73/PD. DTD. THIRUVANANTHAPURAM 30/04/1973.

ANNEXURE R3.D: CIRCULAR NO. 8853/ADV.C3/89/P&ARD. DTD. THIRUVANANTHAPURAM 23/06/1989.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.24067 of 2005

Dated 2nd April, 2007.

J U D G M E N T

The issue pertains to appointment of the petitioner as driver by category change. It is seen from the statement filed by the Municipality itself that they had forwarded the application way back in 1999. The Director of Municipality as per Exts.P3 and P4 orders has informed the petitioner that the request cannot be considered since the method of appointment is through the Public Service Commission. Ext.P6 is an order passed by the same Director permitting a similarly situated employee for category change for appointment as driver. It is the contention of the petitioner that as on the date of application made by the petitioner, the method of appointment was not through the Public Service Commission and hence his application has to be considered as per the law existed at the relevant time. It is seen from Ext.P6 that such a stand has been taken by the Director in the case of a similarly situated employee. I quash Exts.P3 and P4 with a direction to the first respondent to consider the case of the petitioner afresh and extend a similar treatment, as meted out to the person covered by Ext.P6, to the petitioner also. The needful

shall be done within two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 2nd April, 2007.